

1 GREENBERG TRAUIG, LLP  
PAUL GLASSMAN (SBN 76536)  
2 KATHLEEN DEVANEY (SBN 156444)  
ADAM M. STARR (SBN 222440)  
3 2450 Colorado Avenue, Suite 400E  
Santa Monica, California 90404  
4 Telephone: (310) 586-7700  
Facsimile: (310) 586-7800  
5 Email: starra@gtlaw.com

6 JASON B. ELSTER (Admitted *Pro Hac Vice*)  
7 77 West Wacker Drive, Suite 2500  
Chicago IL 60601  
8 Telephone: (312) 456-8400  
Facsimile: (312) 456-8435  
9 Email: elsterj@gtlaw.com

10 Attorneys for Plaintiff  
CARDINAL HEALTH 110, INC. d/b/a  
11 CARDINAL DISTRIBUTION

12 **IN THE UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14

15 CARDINAL HEALTH 110, INC., d/b/a  
16 CARDINAL DISTRIBUTION, a Delaware  
corporation,

17 Plaintiff,

18 vs.

19 AMG PHARMACY, INC., a California  
20 corporation d/b/a MIKE'S MEDICAL  
CENTER PHARMACY and RED  
21 SQUARE PHARMACY; and LYUDMILIA  
LYUSTIN, an individual;

22 Defendants.  
23  
24  
25  
26  
27  
28

CASE NO. CV 08-0788 JL

**PARTIES' JOINT RULE 26(f) REPORT**

1 Pursuant to Federal Rule of Civil Procedure 26(f), a telephonic conference was held on  
2 Tuesday, April 22, 2008, at approximately 6:00 p.m. CDT. Participating in the conference was Jason  
3 B. Elster on behalf of Plaintiff Cardinal Health 110, Inc. d/b/a Cardinal Distribution, and Orrin Leigh  
4 Grover on behalf of Defendants AMG Pharmacy Inc. d/b/a Mike's Medical Center Pharmacy and Red  
5 Square Pharmacy, and Lyudmilia Lyustin (collectively, "Defendants"). The parties' report of that  
6 conference is as follows:  
7

8 A. Initial Disclosures. On May 7, 2008, Plaintiff provided Defendants with its Rule 26(a)  
9 initial disclosures. Defendants will provide their initial disclosures on or before May 13, 2008.

10 B. Consideration of Claims and Defenses and Possibility of Settlement. The parties have  
11 discussed their respective claims and defenses in this matter, which are fully described and discussed  
12 in Plaintiff's Complaint. The parties have also engaged in settlement discussions prior to the bringing  
13 of this action. Those discussions did not result in a settlement. The parties remain open to the prospect  
14 of settlement.  
15

16 C. Preservation of Discoverable Information. Since this action was initiated, the parties  
17 have taken appropriate steps to preserve any and all information, electronic or otherwise, which may  
18 be within the proper scope of discoverable information as contemplated under the Federal Rules of  
19 Civil Procedure.  
20

21 D. Discovery Plan. The parties have discussed a discovery plan and jointly propose the  
22 following:

23 Discovery may be needed with respect to each of the factual allegations of the Complaint and  
24 any defenses that Defendants may allege thereon, including but no limited to the following subjects:  
25 goods and services rendered by Plaintiff to Defendants; any heretofore unaccounted payments by  
26 Defendants to Plaintiff for goods and/or services; and any transfer or sale of Defendants' assets after  
27 Defendants became indebted to Plaintiff.  
28

1 All discovery should be commenced in time to be completed by **August 29, 2008**.

2 Maximum of 25 interrogatories by each party to any other party.

3 Maximum of 30 requests for admission by each party to any other party.

4 Maximum of 5 depositions by Plaintiff and 5 by Defendants. Each deposition limited to a  
5 maximum of six hours unless extended by agreement of parties.  
6

7 Reports from retained experts under Rule 26(a)(2) due from Plaintiff by **August 29, 2008**, and  
8 from Defendants by **October 31, 2008**.

9 Supplementation under Rule 26(e) due **October 31, 2008**.

10 E. **Other items.**

11 The parties' initial case management conference is scheduled for May 14, 2008, and the parties  
12 agree to the entry of a scheduling order that includes the dates outlined herein.  
13

14 The parties request a pretrial conference in **January 2009**.

15 The parties should be allowed until **September 12, 2008** to join additional parties and to  
16 amend the pleadings.

17 All potentially dispositive motions should be filed by **December 12, 2008**.

18 The parties remain open to the prospect of settlement.

19 Final lists of witnesses and exhibits under Rule 26(a)(3) should be due by **January 16, 2009**.

20 Parties should have twenty one (21) days after service of final lists of witnesses and exhibits to  
21 list objections under Rule 26(a)(3).  
22

23 The case should be ready for trial by **February 20, 2009** and at this time is expected to take  
24 approximately three (3) days.

25 At this time, there are no issues relating to disclosure or discovery of electronically stored  
26 information, and the parties agree that any electronically stored information to be produced will be  
27 produced in hard copy.  
28

1 The parties anticipate that there may be issues relating to claims of privilege or protection that  
2 arise during the course of discovery. The parties will endeavor to work out these issues cooperatively  
3 as they arise.

4 No other orders are sought at this time under Rule 26(c).

5 DATED: May 7, 2008

6 Respectfully submitted,

7 By: /s/ Orrin L. Grover

8 ORRIN L. GROVER, P.C.  
9 Orrin Leigh Grover (SBN 64153)  
416 Young Street  
10 Woodburn, Oregon 97071  
Telephone: (503) 981-5836  
11 Facsimile: (503) 981-8680

12 *Attorney for Defendants*

By: /s/ Jason B. Elster

GREENBERG TRAURIG, LLP  
Paul Glassman (SBN 76536)  
Kathleen Devaney (SBN 156444)  
Adam M. Starr (SBN 222440)  
2450 Colorado Avenue, Suite 400E  
Santa Monica, California 90404  
Telephone: (310) 586-7700  
Facsimile: (310) 586-7800  
Email: starra@gtlaw.com

13 and

14 Jason B. Elster (*Pro Hac Vice*)  
15 77 West Wacker Drive, Suite 2500  
Chicago IL 60601  
16 Telephone: (312) 456-8400  
17 Facsimile: (312) 456-8435  
Email: elsterj@gtlaw.com

18 *Attorneys for Plaintiff*

ATTESTATION CLAUSE

I, William J. Goines, am the ECF User whose ID and password are being used to file this JOINT RULE 26(f) REPORT. In compliance with General Order 45, X.B., I hereby attest that Orrin L. Grover and Jason Elster have concurred in this filing.

Date: May 7, 2008

GREENBERG TRAURIG LLP

By: /s/ William J. Goines

William J. Goine